United Nations E/2010/SR.39

Economic and Social Council

Provisional

4 October 2010

Original: English

Substantive session of 2010
General segment

Provisional summary record of the 39th meeting
Held at Headquarters, New York, on Monday, 19 July 2010, at 10 a.m.

President: Mr. Soborun (Vice-President) ..... (Mauritius)

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In the absence of Mr. Ali (Malaysia), Mr. Soborun (Mauritius), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Coordination, programme and other questions (*continued*)

(c) International cooperation in the field of informatics (*continued*) (E/2010/48)

1. **The President** said that, due to ongoing discussions, further consideration and action under that sub-item would be deferred to a resumed session of the Council to be held later in the year.

2. *It was so decided.*

Economic and environmental questions (*continued*)

(b) Science and technology for development (*continued*) (E/2010/31)

Recommendations contained in the report of the Commission on Science and Technology for Development (E/2010/31)

Draft resolution I entitled "Assessment of the progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society"

3. *Draft resolution I was adopted.*

Draft resolution II entitled "Science and Technology for Development"

4. *Draft resolution II was adopted.*

Draft decision I: "Participation of non-governmental organizations and civil society entities in the work of the Commission on Science and Technology for Development"

5. *Draft decision I was adopted.*

Draft decision II: "Participation of academic entities in the work of the Commission on Science and Technology for Development"

6. *Draft decision II was adopted.*

Draft decision III: "Participation of business sector entities, including the private sector, in the work of the Commission on Science and Technology for Development"

7. *Draft decision III was adopted.*

Draft decision IV: "Report of the Commission on Science and Technology for Development at its thirteenth session and provisional agenda and documentation for the fourteenth session of the Commission"

8. *Draft decision IV was adopted.*

9. **The President** said he took it that the Council wished to take note of the Note by the Secretary-General on the Internet Governance Forum, contained in document A/65/78-E/2010/68.

10. *It was so decided.*

The meeting was suspended at 10.23 a.m. and resumed at 10.34 a.m.

Non-governmental organizations (E/2010/32 (Part I)* and E/2010/32 (Part II))

11. **The President** invited the Council to begin its general debate on the item.

12. **Mr. Grauls** (Belgium) speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and in addition, Georgia, Liechtenstein and Norway, said that the involvement of civil society and non-governmental organizations (NGOs) was an essential part of the work of the United Nations and that all stood to gain from a variety of views being expressed openly. The European Union attached great importance to the objective of resolution 1996/31 and was concerned by recent developments in the work of the Committee on Non-Governmental Organizations, which faced a considerable backlog, created by an increase in new and deferred applications for consultative status. It was likely that the backlog would increase further. In January, the European Union had proposed ways to reform the working methods of the Committee to address that issue and it looked forward to continuing its work with Council partners in that regard.

13. There had been more frequent deviations for the guiding principles of Council resolution 1996/31 on handling applications submitted to the Committee and the recommendations it made. States members of the Committee were increasingly opposing consultative status for organizations which had been critical of their human rights record or whose views a particular State did not agree with. The Committee had failed, during several consecutive sessions, to reach a decision on whether or not to grant consultative status to certain organizations. The European Union noted with particular concern that some Committee members had resisted granting status to organizations which promoted and defended the rights of persons based on their sexual orientation and gender identity. Such applications had been systematically delayed in the Committee through questionable procedural manoeuvres.

14. In June, the Committee had failed to fulfil its mandate when it had adopted a no-action motion on a certain organization's request for status, even though that organization had submitted its request more than three years previously and had answered 44 questions. Moreover, one Committee member had expressly requested a recommendation. Questions by Committee members should be aimed at determining whether the activities of an NGO were relevant to the work of the Council; they should not be asking organizations to provide information protected by privacy, such as names and addresses of those organizations' members, nor should their questions be used to pass judgement on the specific views expressed by an organization or prolong proceedings indefinitely.

15. The Committee's approach gave cause for concern that the guiding principles for granting Council consultative status were gradually being undermined. The European Union urged States members of the Committee to work together to defend and uphold those principles.

16. **Mr. Goledzinowski** (Australia), speaking on behalf of Canada, Australia and New Zealand (CANZ), said that every NGO which met the criteria set out in Council resolution 1996/31 should be granted consultative status. The diversity of NGO input enriched Council discussions and debates and helped ensure accountability. Effective and broad-based NGO participation was critical.

17. The Committee should take its decisions in accordance with the criteria clearly set out in resolution 1996/31. Political and ideological considerations must not be allowed to override those criteria. NGOs should all be treated in a fair, equal and transparent manner. Due process should be followed, and decisions should be taken as expeditiously as possible. Delay tactics and procedural hurdles imposed on certain NGOs were unacceptable. Additional questions or information demanded of NGOs should clearly relate to the criteria set out in resolution 1996/31. The Committee was failing to abide by those principles in its deliberations and faced a considerable backlog in its work. It should be helping to ensure NGO participation, and not be a hurdle to it.

18. It was deeply regrettable that, in 2010, the Committee had adopted a no-action motion which had deferred action on an application on which it had received responses to questions over a period of three years. That deferral not only frustrated the Committee's mandate, but had also created an unfortunate precedent for future operations of the Committee.

19. **Ms. DiCarlo** (United States of America) said that resolution 1996/31 clearly aimed to promote the engagement of NGOs with a diverse range of views and activities in the work of the Organization. Over the previous decade, however, the Committee had often failed to follow the clear guidance laid out in that resolution and the Council had often been forced to overturn Committee decisions.

20. The United States remained deeply committed to reforming the Committee and had worked hard with its members and its Chairperson from Turkey to ensure that NGOs which met the criteria of resolution 1996/31 were granted Council status in a timely fashion. However, despite recent significant improvements to its work practices, the Committee still often failed to act as an impartial arbiter. It was particularly disappointing that consultative status had not been granted to NGOs such as the International Gay and Lesbian Human Rights Commission which could make a valuable contribution to the Organization on key issues such as human rights and HIV/AIDS. In a clear contradiction of the Committee's mandate, a small group of Committee members continued to endeavour to defer indefinitely applications of otherwise qualified NGOs that they found objectionable. That practice

contradicted the mandate of the Committee and must be brought to an end.

Draft decision entitled "Application of the non-governmental organization International Gay and Lesbian Human Rights Commission for consultative status with the Economic and Social Council" (E/2010/L.19)

21. **The President** invited the representative of the United States of America to introduce draft decision (E/2010/L.19).

22. **Ms. DiCarlo** (United States of America) introduced draft decision E/2010/L.19 and expressed the hope that the Council would grant consultative status to the International Gay and Lesbian Human Rights Commission.

23. **Mr. Gustafik** (Secretary of the Council) said that Brazil wished to join as a sponsor of the draft decision.

Recommendations contained in the report of the Committee on Non-Governmental Organizations (E/2010/32 (Part I))*

Draft decision I: "Applications for consultative status and requests for reclassification received from non-governmental organizations"

24. *Draft decision I was adopted.*

Draft decision II: "Withdrawal of consultative status of the non-governmental organization General Federation of Iraqi Women"

25. *Draft decision II was adopted.*

Draft decision III entitled "Suspension of consultative status of the non-governmental organization Interfaith International"

26. *Draft decision III was adopted.*

Draft decision IV entitled "Report of the Committee on Non-Governmental Organizations on its 2010 regular session"

27. *Draft decision IV was adopted.*

Recommendations contained in the report of the Committee on Non-Governmental Organizations (continued) (E/2010/32 (Part II))

Draft decision I entitled "Applications for consultative status and requests for reclassification received from non-governmental organizations"

28. *Draft decision I was adopted.*

Draft decision II entitled "Suspension of consultative status of non-governmental organizations with outstanding quadrennial reports, pursuant to Council resolution 2008/4"

29. *Draft decision II was adopted.*

Draft decision III entitled "Reinstatement of consultative status of non-governmental organizations that submitted outstanding quadrennial reports, pursuant to Council resolution 2008/4"

30. *Draft decision III was adopted.*

Draft decision IV entitled "Withdrawal of consultative status of non-governmental organizations, pursuant to Council resolution 2008/4"

31. *Draft decision IV was adopted.*

Draft decision V entitled "Suspension of consultative status of the Centre Europe-tiers monde"

32. *Draft decision V was adopted.*

Draft decision VI entitled "Modification of the agenda of the Committee on Non-Governmental Organizations at its 2011 session"

33. *Draft decision VI was adopted.*

Draft decision VII entitled "Dates of and provisional agenda for the 2011 session of the Committee on Non-Governmental Organizations"

34. *Draft decision VII was adopted.*

Draft decision VIII entitled "Report of the Committee on Non-Governmental Organizations on its 2010 resumed session"

35. *Draft decision VIII was adopted.*

Draft decision entitled "Application of the non-governmental organization International Gay and Lesbian Human Rights Commission for consultative status with the Economic and Social Council" (continued) (E/2010/L.19)

36. **The President** said that the Council would now take action on the draft decision and invited the representative of the United States, the main sponsor of the draft decision, to make a statement.

37. **Ms. DiCarlo** (United States of America) said that the International Gay and Lesbian Human Rights Commission had been striving to combat discrimination based on sexual orientation and gender identity for over 20 years. It had promoted the implementation of United Nations treaties and had assisted NGOs in the preparation and submission of documentation to the Human Rights Council's universal periodic review, United Nations special procedures and United Nations treaty bodies. It was also a leader in the fight against HIV/AIDS and its work had been commended by the Joint United Nations Programme on HIV/AIDS and the United Nations Development Programme. The International Gay and Lesbian Human Rights Commission had fully met all requirements set out in Council resolution 1996/31 which stipulated the principles to be applied in the establishment of consultative relations with NGOs.

38. Some delegations disingenuously claimed that they had called for a no-action motion during the May session of the Committee on purely procedural grounds. However, the Committee had refused to grant consultative status to any NGO concerned with lesbian, gay, bisexual and transgender issues for more than a decade. In that same period, the Council had granted consultative status to seven such NGOs whose applications had been rejected by the Committee, establishing the principle that a non-governmental organization's support for lesbian, gay, bisexual and transgender rights should not be a disqualifying factor in the Committee's consultative status decisions. The Committee continued to ignore the standards set out in resolution 1996/31 and the guidance it had received from its parent body.

39. When it had become obvious that the application of the International Gay and Lesbian Human Rights Commission would remain deferred indefinitely, the United States had requested the Committee to reach a decision. However, rather than allow a vote that would in all likelihood be reversed by the Council, the Committee on Non-Governmental Organizations had carried a no-action motion and argued that the United States had no standing to make that request since the application of the NGO was still pending.

40. As a legal matter, that argument was deeply flawed, since, under resolution 1996/31, the Council clearly had the authority to approve decisions such as E/2010/L.19. Committee members must not be allowed to keep controversial NGO applications in an endless state of deferral by refusing to allow votes that could be reviewed by the Council. That would sharply curtail the Council's legitimate and necessary oversight authority over a subsidiary body which had been established for the purpose of promoting — not thwarting — the engagement of civil society with the United Nations. Council members might not always agree with the views of some 3,000 NGOs that currently enjoyed consultative status but, collectively, they played a vital role in the work of the Organization. The United States urged the Council to be guided by the standards for consultative status under resolution 1996/31 and adopt E/2010/L.19.

41. **Mr. Gustafik** (Secretary of the Council) said that the draft decision had no programme budget implications.

42. **Mr. AlNafisee** (Saudi Arabia) requested a vote on the draft decision.

43. **The President** asked if any delegation wished to make a general statement before the vote.

44. **Mr. AlNafisee** (Saudi Arabia), recalling that the Committee on Non-Governmental Organizations had carried a no-action motion on a request to take action on the application for consultative status of the International Gay and Lesbian Human Rights Commission (IGLHRC), said that the motion should have been respected. Regrettably, a few Council members had politicized the issue and challenged a majority vote. His delegation strongly objected to moving the issue from the Committee on Non-Governmental Organizations to the Council, since that undermined the Committee's authority. He would therefore be voting against the draft decision and called on other members of the Council to do the same, in order to reaffirm their trust in the Committee and the established system for considering applications for consultative status.

45. **Mr. St. Aimee** (Saint Lucia) said that his delegation took the recommendations of the Committee on Non-Governmental Organizations very seriously; [illegible] decision on just one of those cases was a way of reducing the backlog. Furthermore, his delegation considered that other NGOs dealt with higher-priority matters, especially in the current economic and financial crisis; it was therefore important to consider all the applications for consultative status, rather than selecting just one of them. Lastly, he expressed some concern at the name of the NGO in question, since it suggested that the organization was a human rights commission that might seek to redefine human rights.

46. **Mr. Carmon** (Observer for Israel) said that, as a member of the Committee on Non-Governmental Organizations, his delegation recognized the important role played by that body in strengthening and furthering the relationship between the United Nations and civil society. Recalling that it was the Committee's duty, and indeed its role, to engage in candid and meaningful consideration of all applications by NGOs for consultative status, and to grant consultative status to those NGOs that complied with the principles set out in Council resolution 1996/31, his delegation was concerned at recent developments during the 2010 resumed session of the Committee on Non-Governmental Organizations and, in particular, the procedural attempt to further derail substantive discussion over IGLHRC, which had been the subject of continuous discussion for over three years and had engaged constructively with the Committee throughout that process. His delegation had carefully reviewed the application and had found IGLHRC to be an organization that fully complied with the relevant criteria for granting consultative status to NGOs and greatly contributed to the goals and work of the United Nations. To date, no convincing reason had been offered to explain why consideration of its application had been constantly deferred. Israel therefore joined other delegations in supporting draft decision E/2010/L.19.

47. **The President** asked if any delegation wished to make a statement in explanation of vote before the voting.

48. **Mr. Abdelaziz** (Egypt) said that the Council was facing a difficult challenge, since it was being asked to decide whether to grant consultative status to just one [illegible] particularly since it had in fact only been before the Committee for three sessions, not for three years as some had claimed.

49. Since the Committee had taken a decision to retain the application of IGLHRC under consideration, and had not issued any recommendation for the Council to act upon, the adoption of the draft decision, which should not have been submitted to the Council, would create a precedent that would only serve to upset the delicate balance of the institutional structure of the United Nations and could be used to delegitimize the Committee and other United Nations subsidiary bodies. The Council should instead respect the competence and efficiency demonstrated by the Committee to date.

50. Egypt believed in the importance of promoting constructive dialogue with NGOs and civil society, based on tolerance and mutual respect, including respect of religious freedoms and the right to freedom of expression; it had championed several initiatives to promote respect of those rights. In light of the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as the Committee's mandate to ensure compliance with the principles laid down in Council resolution 1996/31, his delegation had serious concerns about the continuous manoeuvres of IGLHRC to avoid addressing directly questions on religious rights and the right to freedom of expression and opinion. It had hoped to continue its dialogue with the NGO in order to alleviate those legitimate concerns, since it believed in the right of all delegations to receive answers to their questions, within a democratic society.

51. His delegation was committed to upholding the legitimacy of the Committee on Non-Governmental Organizations and to respecting and valuing the institutional structure of the United Nations, as well as the legitimate concerns of Committee members regarding applications under consideration. The manner in which the issue was being addressed was regrettable since, rather than giving equal treatment and rights to all NGOs with applications pending

consideration by the Committee, an attempt had been made to grant special privileges to one specific organization, without any substantive consideration of its documentation, which was not currently before the Council. Egypt would therefore vote against the draft decision.

52. **Mr. Grauls** (Belgium), speaking on behalf of the European Union, said that the Union supported the application of IGLHRC for consultative status with the Council. It firmly believed that each NGO should be assessed in accordance with the principles to be applied in the establishment of consultative relations, as laid down in Council resolution 1996/31, which also explicitly confirmed the need to take into account the full diversity of NGOs. In its application and responses to subsequent questions in the Committee, IGLHRC had clearly demonstrated that it fulfilled the principles set out in resolution 1996/31.

53. Although many of the more than 3,000 organizations that had been granted consultative status to date represented views or policies not endorsed by the European Union, that did not mean that they should be denied the opportunity to make their views known at the United Nations. The European Union believed that there was no valid reason for refusing to grant consultative status to IGLHRC; such a decision would constitute outright discrimination. IGLHRC represented an important constituency that had the same rights as any others to engage in the work of the United Nations. It would, moreover, add an important voice to the Organization's discussions to the benefit of all. The European Union would show its respect for the values of diversity, non-discrimination and respect for others on which the United Nations was founded by voting in favour of the draft decision; it strongly encouraged all members of the Council to do the same.

54. **Mr. Tollefsen** (Norway) said that the Committee on Non-Governmental Organizations had a clear mandate from the Council, as laid down in resolution 1996/31, to make recommendations on the granting of consultative status to NGOs. Member States expected that the principles laid down in that resolution should be implemented in such a way as to afford equal treatment to all applicants, since non-discrimination was a founding value of the United Nations as well as a self-evident principle of justice.

55. His delegation was gravely concerned at the long-running trend for well-founded applications from a certain group of NGOs not to receive expeditious consideration, but rather to be deferred while Committee members posed questions that had already been answered by the applicant or were not related to the criteria set out in Council resolution 1996/31. That was the case for IGLHRC, which had, in an open and transparent manner, consistently answered all questions posed by the Committee since its application was first considered in May 2008. The no-action motion carried by the Committee at its 2010 resumed session on the request to take action on the organization's application highlighted the Committee's inability to apply its own mandate consistently.

56. No information had been brought to light that should dissuade the Council from granting IGLHRC consultative status; in fact its determined efforts to secure consultative status demonstrated that it held the Council in high regard and was precisely the kind of organization that could help the United Nations achieve its objectives. His delegation would therefore vote in favour of draft decision E/2010/L.19 and urged all Council members to do the same.

57. **Mr. Parham** (United Kingdom) said his delegation firmly believed that every NGO meeting the criteria set out in Council resolution 1996/31 deserved to be granted consultative status with the Council, regardless of the nature of the organization. In fact, that resolution explicitly confirmed the need to take into account the full diversity of NGOs. IGLHRC met all the criteria for the establishment of consultative relations set out in resolution 1996/31; it was well known internationally as well as in the United States; and much of its work supported United Nations activities in such fields as health, gender and human rights. His delegation was convinced that IGLHRC would add an important voice to Member States' discussions at the United Nations and represented an important constituency with the same and equal right as all others to engage in the Organization's work.

58. To date, over 3,000 NGOs had been granted consultative status based on the principles contained in Council resolution 1996/31. Although many of them undoubtedly espoused views or policies that were not necessarily shared by all Governments, they had the right to make their views known at the United Nations. The United Kingdom had always supported those NGOs that, in its opinion, met the criteria for the establishment of consultative relations, regardless of whether it shared all their specific views.

59. IGLHRC had provided full, frank and satisfactory responses to all the questions and requests for information posed by members of the Committee and had always engaged constructively and respectfully with delegations. No credible reason could therefore be presented for refusing it consultative status, except that of straightforward discrimination. His delegation would vote in support of the application of IGLHRC for consultative status and encouraged all Council members to do likewise.

60. **Mr. Morrill** (Canada) said that his delegation recognized the need for diverse NGO voices in the discussion and work of the United Nations. IGLHRC, which was active in the area of human rights advocacy and had contributed to research on HIV/AIDS, fulfilled all the criteria set out in Council resolution 1996/31 for the establishment of consultative relations. Canada would therefore vote in favour of draft decision E/2010/L.19.

61. **Mr. Goledzinowski** (Australia) said that he would like to respond to the point raised by the representative of Saint Lucia about whether IGLHRC was a human rights body that might have an interest in redefining human rights.

62. **Mr. Abdelaziz** (Egypt), speaking on a point of order, said that delegations were not permitted to make general statements at the current stage of proceedings and should therefore limit themselves to making statements in explanation of vote before the voting.

63. **The President** asked the representative of Australia to limit his statement to an explanation of vote.

64. **Mr. Goledzinowski** (Australia) said that his delegation's understanding of IGLHRC, which had also been reflected in the discussions on the issue within the Committee on Non-Governmental Organizations, was that the organization worked to promote the rights of gay and lesbian people on the basis that they had the same rights as anyone else. That was also the basis on which IGLHRC worked with the Joint United Nations Programme on HIV/AIDS and other agencies.

65. Secondly, according to the established procedure for granting applications by NGOs for consultative status, the Committee on Non-Governmental Organizations made recommendations, which were then subject to confirmation by the Council. The fact that the Committee had decided not to make any recommendation in the current case could not frustrate the Council's mandate. If the Committee's decisions were considered to be binding on the Council, that would have major implications since it would also apply to the decisions of other subsidiary bodies of the Council as well. His delegation had received no instructions from its capital to curtail the Council's sovereignty and therefore, as an elected member of the Council, it had the right to consider the draft decision. For the reasons given, his delegation would vote in favour of draft decision E/2010/L.19.

66. **Ms. Melon** (Argentina) said that her delegation would vote in favour of draft decision E/2010/L.19, on an exceptional basis, as warranted by the circumstances. While it would have preferred to receive a recommendation from the Committee on Non-Governmental Organizations, and trusted that that procedure would continue to be followed in future, it believed that the Council should take a decision in the current case, since the Committee had not been able to formulate a recommendation some three years after the application had been submitted. The consideration of a substantive issue, such as the application of an NGO for consultative status, should be discussed on its merits rather than postponed solely on the basis of procedural mechanisms, especially when the NGO met the requirements established in Council resolution 1996/31 for the establishment of consultative relations.

67. **Mr. St. Aimee** (Saint Lucia) said that when an NGO had consultative status with the Council, it enjoyed a certain level of authority and legitimacy in terms of its work and its mandate. As his delegation was not a member of the Committee on Non-Governmental Organizations, he did not know what the mandate of IGLHRC was, particularly since its name indicated that it was a human rights commission, rather than an association or body. He therefore did not at present have enough information to reach a decision on how to vote.

68. **Mr. Lukiyantsev** (Russian Federation) said that, while his delegation opposed discrimination on any grounds, including that of sexual orientation, it believed that draft decision E/2010/L.19 had major repercussions for the procedures established by the Council itself with regard to the functioning of the Council and its subsidiary bodies. Previously, when the Council had considered reports of the Committee on Non-Governmental Organizations, it had either confirmed or reviewed the recommendations contained

therein; in the current case, however, the Committee had not finished its consideration of the NGO in question and had not made any recommendation regarding its application for consultative status. His delegation was therefore deeply concerned at the very negative precedent created by the Council's consideration of draft decision E/2010/L.19, bearing in mind that the matter was still on the Committee's agenda. Since, according to the Secretariat, over 530 NGO applications were currently under consideration by the Committee, it was hard to imagine what would happen if the Council were to consider all of them. Furthermore, the current procedure did not meet the goal of enhancing United Nations system-wide coherence, as enshrined in the recently adopted General Assembly resolution 64/289. For all those reasons, his delegation could not support the proposal and would vote against draft decision E/2010/L.19.

69. *A recorded vote was taken.*

In favour:

Argentina, Australia, Belgium, Brazil, Canada, Chile, Estonia, Finland, France, Germany, Guatemala, Italy, Japan, Liechtenstein, Malta, Norway, Peru, Poland, Republic of Korea, Slovakia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Bangladesh, China, Comoros, Egypt, Malaysia, Morocco, Namibia, Niger, Pakistan, Russian Federation, Saudi Arabia, Venezuela (Bolivarian Republic of), Zambia.

Abstaining:

Bahamas, Côte d'Ivoire, Ghana, India, Mauritius, Mongolia, Mozambique, Philippines, Republic of Moldova, Rwanda, Saint Kitts and Nevis, Turkey, Ukraine.

70. *The draft decision was adopted by 23 votes to 13, with 13 abstentions.*

71. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela), said that equality of all persons before the law and the prohibition of discrimination as to sexual orientation or economic and social status were enshrined in the Constitution of the Bolivarian Republic of Venezuela. However, her delegation had voted against the draft decision because only the Committee on Non-Governmental Organizations was responsible for examining applications for consultative status; the members of the Council did not have enough information to make decisions on those applications and must respect the report and recommendations of the Committee.

72. Council decisions on the granting of consultative status to any NGO would establish a negative precedent, undermining the work of its subsidiary bodies and opening the door to selective and politicized examination by the Council of applications advancing the national interests of the States that drew attention to them.

73. The Bolivarian Republic of Venezuela supported the work of IGLHRC and hoped that the Committee would promptly examine the other applications before it.

74. **Mr. Álvarez** (Uruguay) said that his delegation had voted in favour of the draft decision because IGLHRC had answered all the questions posed by the members of the Committee on Non-Governmental Organizations, which must assess all NGOs on their own merits, notwithstanding the opinion States might have of their fields of endeavour, and free of discrimination because they dealt with issues related to sexual orientation or gender identity, in accordance with the Charter of the United Nations and other international human rights instruments.

75. The application for consultative status had been submitted in accordance with the principles established by Council resolution 1996/31.

76. Uruguay had always rejected no-action motions on principle: no body of the United Nations should delay or evade consideration of a matter. His delegation did not consider that the Council's action constituted a precedent that could be used henceforth by a parent body to undermine its subsidiary.

77. **Mr. St. Aimee** (Saint Lucia) said that his delegation did not believe that IGLHRC met the criteria set forth for consultative status with the Council. The name of the NGO indicated that it had no role to play in the Council. The Council did not have before it the information necessary for his delegation to participate in the process.

78. **Ms. Xu Jing** (China) said that China was against all forms of discrimination, but that her delegation had voted against the draft decision because the Council had bypassed the Committee on Non-Governmental

Organizations, setting a negative precedent. Only the Committee should take decisions on the granting of consultative status with the Council; the Committee's credibility and authority had now been harmed and the relations between the Council and NGOs had been challenged.

79. **Mr. Rodríguez** (Peru) said that his delegation supported the independence of the Committee on Non-Governmental Organizations and the granting of consultative status to NGOs that fulfilled the corresponding requirements. As a member of the Committee, Peru consistently favoured granting status to NGOs that both met the requirements under resolution 1996/31 and fully answered Committee members' questions.

80. The draft decision had represented a unique situation: despite IGLHRC having met the criteria for consultative status, the Committee had not made its recommendation, after three years, thereby undermining its own work. His delegation had voted in favour of the draft decision only because IGLHRC met the requirements, and believed that no precedent was being set.

81. The procedures of the Committee on Non-Governmental Organizations must be respected; they must not be used to impede its functioning. Peru hoped that a vote by the Council would not be viewed as an attempt to take over the work of the Committee, but rather as an incentive for it to achieve greater efficiency.

82. **Ms. Fujimoto** (Japan) said that it was unfortunate that the Committee on Non-Governmental Organizations had moved to take no action on the application for consultative status of IGLHRC. Irrespective of its views on the NGO in question, Japan believed that the decision on granting consultative status should be based on the criteria set out in Council resolution 1996/31. While it felt that the Committee should have sufficient time to consider applications, it was concerned when decisions were repeatedly deferred. IGLHRC had responded to the questions put to it and, therefore, Japan had voted in favour of the decision.

83. **The President** asked whether any delegation wished to make a general statement.

84. **Ms. DiCarlo** (United States of America) said that the United States thanked the members who had voted in favour of the draft decision. The Council had sent a clear message to the Committee on Non-Governmental Organizations and the international community that it would ensure that diverse voices of civil society, including those that advocated for lesbian, gay, bisexual and transgender rights, were heard at the United Nations.

85. The Council had strengthened the implementation of its resolution 1996/31 and had reaffirmed that NGOs that met the corresponding requirements would be granted consultative status. The Committee on Non-Governmental Organizations should follow the Council's guidance in its forthcoming decisions.

The meeting rose at 12.25 p.m.